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97TH CONGRESS, 1st Session | SENATE | EXECUTIVE REPT. No. 97-12

ORIGINAL

1980 PROTOCOL AMENDING INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

MAY 20 (legislative day, APRIL 27), 1981.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany Ex. S, 96-2]

The Committee on Foreign Relations, to which was referred the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, between the United States, Canada, Japan and the Soviet Union, signed at Washington on October 9, 1980 (Ex. S. 96-2), having considered the same, reports favorably thereon without reservation and recommends that the Senate give its advice and consent to ratification thereof.

PURPOSE

The Interim Convention on Conservation of North Pacific Fur Seals was signed in 1957 by the United States, Japan, Canada and the Soviet Union. It replaced an earlier Convention on North Pacific fur seals dating back to 1911. The 1980 Protocol would extend the Interim Convention by an additional four years.

The dual purpose of the Protocol, as of the Interim Convention itself, is first to continue the prohibition now being observed by the four governments party to the Convention with respect to pelagic or high seas sealing and, second, to provide a joint research program designed to furnish, as appropriate, sufficient factual data to conserve the fur seal herds of the North Pacific Ocean at a level of maximum sustainable productivity.

BACKGROUND

The northern fur seal is a creature of the high seas and comes ashore only to bear its young and to breed. Each year the fur seals leave their rookery islands of the North Pacific to migrate as far south as

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California, and as far west as Japan. Each year their homing instinct draws them back across the trackless ocean to these same rocky nursery islands.

The rookeries under U.S. jurisdiction are on Alaska's Pribilof Islands. The Pribilofs are most isolated of U.S. lands, two islands—St. George and St. Paul—lying in the Bering Sea 200 miles north of the Aleutians. Together, they cover 60 square miles, and between them are 40 miles of sea. The residents (450 on St. Paul, 180 on St. George) are the descendants of Aleut slaves.

The rookeries under Soviet Union jurisdiction are on the Commander Islands in the western Bering Sea and those on Robben Island and some of the Kurile Islands in the Sea of Okhotsk. There is substantial intermixing between the herds of the eastern and western Pacific Ocean.

In the 18th Century, the fur seals rich pelt made them targets of intensive hunting in both the Northern and Southern Hemispheres. Uncontrolled exploitation reduced the herds to perilously low levels.

The Russians discovered the Pribilofs in 1786. At that time, the number of seals on those islands was estimated to have been as large as 3 million animals. The islands, along with Alaska, were sold to the United States in 1867. In the intervening years, the Russian sealers reportedly killed over 2.5 million animals. Initially, harvesting was uncontrolled and pups and breeding females were unprotected. During this period, the Pribilof herds were reduced to mere remnants of their original numbers. In 1834, when the resource had almost been annihilated, the Russians stopped killing females and the herd began to increase. By the time the United States purchased Alaska, the Pribilof herd had recovered to approximately 2.5 million.

The United States began its jurisdiction under the management of the Department of the Treasury (in time Labor, Interior and Commerce were to take turns supervising the Pribilofs) by permitting a number of private contractors to operate. The only conservation restrictions were that they should not take females or more than 100,000 animals a year. This quota was regularly met and exceeded. An equal number of animals were killed at sea by sealers of all nationalities. This practice, called pelagic sealing, was extremely inefficient, since a majority of the carcasses were lost in the water.

In 1869, Congress set the Pribilofs aside as a special reservation for seals. During the 20-year period following 1869, sealing on the Pribilofs was conducted under a leasing arrangement, with some 2 million sealskins taken. A second 20-year lease produced only 343,000 skins. This regulated catch combined with the pelagic kill devastated the Pribilof herds, and by 1910, only 200,000 seals remained.

In 1911, a treaty prohibiting pelagic sealing was signed by the United States, Great Britain (on behalf of Canada), Japan and Russia. Although suspended during World War II, this treaty has remained in effect and is embodied in the Interim Convention on Conservation of North Pacific Fur Seals.

Only native people using primitive methods may kill fur seals on the high seas. In exchange for the ban on pelagic or high seas sealing, the United States and the Soviet Union provide Japan and Canada each with 15 percent of the kill from the Pribilofs and 15 percent of the kill from those islands under jurisdiction of the Soviet Union. The

rookery-owning nations keep the rest of the skins and manage the herds so as to provide for a "maximum sustainable productivity."

The Pribilof herd is now estimated at more than 1.7 million animals. Since 1972, approximately 30,000 three- to four-year-old male seals are slaughtered each year. Under a leasing arrangement with the Fouke Fur Company, the skins are sent to South Carolina for processing and auction. Initial processing of the skins is done on the Pribilof Islands by Aleut employees. The Fouke Company, under government contract, performs the final patented finishing process, markets the skins, and sells them on behalf of the U.S. Government at public auction. Although other arrangements have been tried in the past, i.e., government sales of "raw" skins, Department of Commerce contract specialists have determined that the current processing contract results in the greatest return to the Federal Treasury.

Auction proceeds in fiscal year 1980 totaled $1,998,095. The Fouke Company receives approximately $60 per skin under the government processing contract.

Major Provisions

The 1980 Protocol extends the Interim Convention for a period of four years. The Interim Convention expired October 14, 1980.

The Protocol, in accordance with Article VI, will enter into force on the date of the deposit of the fourth instrument of ratification. Article III of the Protocol also reflects the four signatory nations' recognition of the extensions of fishing jurisdiction which have occurred since the entry into force of the 1976 Protocol.

Administration Views

During the Committee's consideration of this Protocol, Senator Dodd offered a reservation which would have directed the Administration to reduce the fur seal harvest by 70 percent.

The following letters set forth the Administration's views on the Dodd reservation:

Department of State,
Washington, D.C., May 8, 1981.

Hon. Charles H. Percy,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: Thank you for your letter of April 29, 1981, requesting the Administration's views on a proposed reservation to the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals. The Administration is opposed to this proposed amendment.

The reservation states:

> It is the position of the United States that the United States is not obligated to harvest any of the quota of North Pacific Fur Seals assigned to the United States under the terms of the Interim Convention on Conservation of North Pacific Fur Seals. Approval of this Protocol is subject to the condition that the United States not harvest any of its quota of fur seals after January 1, 1981. The Senate directs the Administration to negotiate an arrangement with Canada and Japan so that Canada and Japan will receive sealskins as provided under

> the terms of Article IX of the Interim Convention on Conservation of North Pacific Fur Seals, except that the total number of sealskins provided annually to Canada and Japan shall be no greater in number than the number they would have received if the United States harvested its quota.

The Department has consulted with the Departments of Commerce and the Interior and the Marine Mammal Commission, and it is our view that such a reservation is contrary to the intent of the Interim Convention, which the Protocol extends, and may cause serious concern to the other Party Governments which expect the United States to harvest the number of seals agreed upon under the terms of the Convention. The reservation appears to be, in effect, a rejection of the Protocol we have proposed for ratification.

In our view, the proposed reservation to the Protocol alters the fundamental nature of the understandings on which the Convention was based. When entering into the Convention, Canada and Japan agreed to give up pelagic sealing in exchange for a share of the skins from seals to be taken commercially on land under the jurisdiction of the United States. It was clearly contemplated that the United States would continue to harvest seals at levels of maximum sustainable productivity and would share thirty percent of the sealskins with Canada and Japan. This understanding is manifested by the objective of the Parties stated in the Preamble,

> to take effective measures toward achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so the fur seal population can be brought to and maintained at the level which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area.

Adoption of the proposed reservation would seriously alter the current understanding among the Parties and could compromise our current agreement on a four year extension of the Convention.

A major reduction in the St. Paul Island harvest would have serious economic effects on the Native Aleut residents. Approximately 80 of the 235 jobs on the Islands and over $200,000 in salaries are tied to the fur seal harvest. Also, U.S. proceeds totalled over $900,000 in fiscal year 1980. Additionally, reduction of the harvest by seventy percent, the approximate U.S. share, would not supply Island residents with sufficient seal meat needed for subsistence purposes, and would also completely eliminate the local seal meat and by-products industry operated by the St. Paul village corporation. The Administration is concerned about employment alternatives for the people of the Pribilofs and is supportive of efforts to expand the economic opportunities in other fields. However, we believe that a major reduction in the fur seal harvest should not be considered until viable alternatives can be identified and put into practice.

A major reason for opposition to this amendment is the effect such a proposal may have on the Bering Sea ecosystem and the fur seal stocks. In 1968, harvesting of females was terminated but the population did not increase as expected, possibly because fishery development has resulted in the reduction of the fur seal carrying capacity in the Bering Sea. In 1973, harvesting on St. George was terminated and

the island was set aside as a biological reserve to study population dynamics and the behavior of fur seals in an unharvested environment. Results of this experiment over the last seven years have revealed a rapid increase in abundance of adult males and a decline in females and pups.

This decrease in the female population and in pup births is not fully understood. Given the general lack of population recovery at St. Paul Island following the 1956–63 experimental female harvest, any action contributing to a further decline of females would be cause for serious concern. For these reasons, U.S. scientists have warned that, because of the findings, any changes in harvesting practices should be made gradually and with extreme caution. We believe it would be desirable to continue the research and analysis of the data and to postpone consideration of a major harvest reduction until the effects of such a reduction can be predicted with more certainty. The precipitous termination of 70 percent of the St. Paul harvest as advocated in the proposed amendment would appear to be biologically unsound for the fur seal population and is opposed by the Administration.

The reservation would represent a unilateral action by the United States which has not been reviewed by U.S. scientists, other Party governments, nor the North Pacific Fur Seal Commission. For the reasons listed above, the Administration strongly opposes the suggested reservation.

Sincerely,

RICHARD FAIRBANKS,
Assistant Secretary for Congressional Relations.

THE SECRETARY OF STATE,
Washington, May 11, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Protocol amending the Interim Convention on Conservation on North Pacific Fur Seals, was signed by the United States on October 14, 1980 and will come before the Senate Foreign Relations Committee for approval on May 12, 1981.

The Protocol extends the Convention for four years. The Convention has been in force since 1957, replacing a 1911 agreement, and provides for the protection and management of North Pacific Fur Seal stocks. We believe these agreements have served both our conservation and economic objectives. Under these agreements, the seal population has grown from 300,000 animals around the turn of the century to about 1.7 million at the present time. Further, the Convention prohibits killing seals at sea, a major cause of the earlier depletion. Lastly, the Aleut people on the Pribilof Islands have continued hunting seals under these agreements as they have done since the 1700's; sealing is part of their tradition and provides a subsistence harvest and a major source of their income. Furthermore, I understand the harvesting is conducted as humanely as possible.

A reservation has been proposed which directs the administration to renegotiate the Convention to allow the United States to reduce its harvest by approximately 70 percent. This reduction would purportedly allow the United States to continue its international obligations to Japan and Canada while foregoing its own harvest. It is our view that

such an amendment is contrary to the intent of the Convention and runs counter to the will of other party members, which expect the U.S. to harvest a level of seals agreed upon under the terms of the Convention. The reservation is without scientific justification, and Department of Commerce scientists fear such precipitous action could have unforeseen effects on the fur seal stocks. Also such a proposal does not address the issue of the native subsistence harvest, nor the effects such a reduction would have on their lives.

I want to affirm the support of the Administration for the Protocol as negotiated and signed by the United States in October of last year, and my personal commitment to its objectives.

Sincerely,

ALEXANDER M. HAIG, JR.

On May 14, 1981, the Committee considered the Dodd reservation and voted 6 to 9 against its adoption. Those voting in favor were Senators Pell, Biden, Sarbanes, Zorinsky, Cranston, and Dodd. Those against were Senators Percy, Baker, Helms, Hayakawa, Lugar, Kassebaum, Boschwitz, Pressler, and Glenn.

The majority of the Foreign Relations Committee rejected the Dodd reservation on the following grounds:

The reservation is unnecessary.—The fur seal herd is within the optimum sustainable population levels mandated by the Marine Mammal Protection Act. There is no need for the reservation. The fur seal herds are not endangered.

The reservation would have an uncertain effect on the seal herds.—Harvest levels are recommended annually by the Scientific Committee of the North Pacific Fur Seal Commission. They represent the best considered judgment of the Commission on the proper amount of harvesting of the stocks. To unilaterally reduce the U.S. harvest would run counter to those recommendations. In light of the uncertain trends on St. George Island in the Pribilofs, where a moratorium on harvesting has been in effect for eight years and pup population is declining, such an action without scientific scrutiny is ill-advised.

The reservation would have an adverse effect on the Aleut communities.—An end to the U.S. share of the harvest would result in the end to annual returns to the Federal Treasury from the sale of U.S. sealskins. In fiscal year 1980, these proceeds totalled over $900,000. Aleut residents of the islands, who are employed in the harvest under the terms of the Fur Seal Act of 1966, would experience loss of jobs and decline in income.

The reservation would run counter to the cooperative nature of the Convention.—Other convention countries have expressed satisfaction with the present harvest levels. Unilateral U.S. action would run counter to the cooperative nature of the Convention.

COMMITTEE ACTION

On March 20, 1981, the Committee held a public hearing on the Protocol. The following individuals testified at those hearings:

The Honorable Carl Levin, U.S. Senator from Michigan.

The Honorable Frank H. Murkowski, U.S. Senator from Alaska.

Carmen Blondin, U.S. Commissioner, North Pacific Fur Seal Commission and Director, Office of International Fisheries Affairs, Na-

tional Marine Fisheries Service, National Oceanic and Atmospheric Administration.

James A. Storer, Director, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

Tony Smith, Smith & Gruening, Anchorage, Alaska.

The Honorable Joseph Tydings, Friends of Animals Committee for Humans Legislation, Washington, D.C.

Patricia Forkan, vice president, Humane Society of the United States, Washington, D.C.

On March 25, 1981; April 28, 1981; and May 12 and 14, 1981, the Committee considered this Protocol. On May 14, 1981, the Committee met in open session and by a vote of 15 to 0 ordered this Protocol to be reported favorably to the Senate for advice and consent to ratification. The following Senators voted in favor of the Protocol: Senators Percy, Baker, Helms, Hayakawa, Lugar, Kassebaum, Boschwitz, Pressler, Pell, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd.

Text of Resolution of Ratification

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, Between the United States, Canada, Japan, and the Soviet Union, signed at Washington, on October 14, 1980 (Executive S, 96th Congress, 2nd Session).

ADDITIONAL VIEWS OF SENATORS PELL, BIDEN, SARBANES, CRANSTON AND DODD

During Committee consideration of the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, Senator Dodd offered the following reservation:

> It is the position of the United States that the United States is not obligated to harvest any of the quota of North Pacific Fur Seals assigned to the United States under the terms of the Interim Convention on Conservation of North Pacific Fur Seals. Approval of this Protocol is subject to the condition that the United States not harvest any of its quota of fur seals after January 1, 1981. The Senate directs the Administration to negotiate an arrangement with Canada and Japan so that Canada and Japan will receive sealskins as provided under the terms of Article IX of the Interim Convention on Conservation of North Pacific Fur Seals, except that the total number of sealskins provided annually to Canada and Japan shall be no greater in number than the number they would have received if the United States harvested its quota.

This reservation, which we supported, is similar to one suggested by Senator Levin in a letter to Committee Members (see appendix). The reservation requires the United States, as a condition of extending the Interim Convention on Conservation of North Pacific Fur Seals, to forego harvesting its 70 percent share of the annual seal kill on the Pribilof Islands. The effect of the reservation would be to reduce the annual seal kill on the Pribilofs from the present level of 26,000 to approximately 7,800. We believe a United States decision not to harvest its quota of seals is entirely consistent with our obligations under the Interim Convention.

We believe United States participation in the annual seal kill is economically unsound, is inconsistent with the management and conservation criteria contained in the Marine Mammal Protection Act of 1972, and serves to undermine efforts to persuade other countries to better protect marine mammals. The Pribilof Island rookeries, which are home to approximately 1,250,000 of the estimated 1,750,000 North Pacific Fur Seals, are administered as a commercial venture by the Department of Commerce. In 1979 the Department of Commerce spent $4,208,600 on the Pribilof Island program, of which $444,000 were direct expenditures on fur seal harvesting and processing. While receipts from sealskins ($842,811) do cover direct costs, they are now far short of covering program costs. (By contrast, in 1960 sealskins earned $3,220,405 while total program costs were only $1,720,402.) Thus, at least indirectly, U.S. taxpayers are subsidizing the price of fur coats.

The Marine Mammal Protection Act of 1972 establishes strong standards for protecting and managing marine mammal populations.

Were the management goals of this law—i.e., the goal of maintaining the species at optimum sustainable population—applied to the Pribilof Island rookeries, there would be no harvest. By eliminating the United States share of the harvest, we will be following management and conservation practices more in line with the objectives set out by Congress in the Marine Mammal Protection Act.

We share the concern of many Americans over the killing of whales and harp seals. U.S. Government participation in the seal kill on the Pribilofs strikes us as inconsistent with public and governmental goals in marine mammal protection and certainly weakens our ability to influence other nations.

In its comment on the proposed reservation, the State Department said it "appears to be, in effect, a rejection of the Protocol we have proposed for ratification." We strongly disagree. The Convention is a commercial arrangement allowing the parties without rookeries (Canada and Japan) a share of the land harvest in return for a prohibition on pelagic sealing. Nowhere in the text of the Convention is the United States required to harvest its quota and the proposed reservation explicitly protects the right of the treaty partners to their share.

Furthermore, we note the U.S. Government has stated, both in the September 1980 Final Environmental Impact Statement and the Final Position Paper for the April 1981 annual meeting of the North Pacific Fur Seals Commission, its preliminary view that the United States may forego all or part of its share of the harvest under the terms of the present Convention. The other governments, when questioned on this position, did not object.

We recognize the economic hardships facing the Aleut peoples of the Pribilof Islands, and are concerned about their economic well-being. The Aleuts are a strong and proud people with a long heritage, who have endured a great deal of economic uncertainty. Their fate, now and in the past, has been linked to commercial sealing on their islands. However, this no longer needs to be the case.

Alternative employment opportunities do exist. The rich fisheries of the Bering Sea and the tourist attraction of the soon-to-be established Wildlife Refuge for birds can form the basis for a diversified and enduring economy.

We recognize that, even with a reduction in the seal harvest, Federal expenditures will be essential to provide the Aleuts with necessary services. We do believe that the alternative economies described above provide greater prospects for economic independence than the seal harvest. We hope the State of Alaska and the Federal Government will work with the Aleuts to achieve this independence.

Although the proposed reservation was not accepted by the Committee, we nevertheless supported the Convention on final passage. We believe that resumed pelagic sealing poses a potentially greater risk to the seal populations than the current harvest. We note, however, that the 200-mile fisheries zone does provide greater protection to the North Pacific Fur Seals than that which existed at the time of the previous extension of the Interim Convention in 1976. Prior to renewal of the Convention in 1984, we request the Administration provide data on the economic prospects for pelagic sealing outside the 200-mile limit. We also urge the Administration to negotiate with our treaty partners for a reduction in the annual seal harvest.

APPENDIX TO ADDITIONAL VIEWS

U.S. SENATE,
Washington, D.C., April 24, 1981.

DEAR COLLEAGUE: In the very near future, the Committee on Foreign Relations will be voting on the Protocol to extend the Interim Convention on the Conservation of North Pacific Fur Seals. I am writing to urge that you oppose this Protocol.

The critical assumption used to justify this Convention is that it prevents pelagic (open sea) killing of seals. I believe other factors would prevent pelagic sealing in the absence of the Convention.

First, when the Interim Convention became effective in 1957, the arrangement was reasonably justified. At that time, our territorial waters extended only 3 miles, which allowed commercial pelagic sealing close to the breeding islands and in the seals migratory path. Unless some incentive was offered to those nations engaged in sealing, they would continue the pelagic kills so damaging to the entire herd.

In 1976 U.S. territorial waters were extended to 200 miles, making pelagic sealing no longer economical, even in the absence of the Convention because those seals that do migrate outside the 200-mile limit usually travel singly or in pairs.

Secondly, the Convention is legally binding only on the United States, Canada, Japan and the Soviet Union, and does not prevent other nations from pelagic sealing. If pelagic sealing were economical, other nations would be presumably engaged in similar activity.

In any event, whether or not the above arguments are persuasive, certainly there is no justification for the United States to continue killing 70 percent of the annual Pribilof harvest for ourselves. The State Department has questioned the other party governments as to their views on a possible reduction of the U.S. harvest. No objections were raised to the view that the United States could forego its 70 percent share within the context of the Convention. If one believes the risks of pelagic sealing are too great without the Convention, we should simply give the Canadians and Japanese their approximate 7,500 pelts without killing 17,500 for ourselves.

Lastly, there is absolutely no justification for the use of U.S. tax dollars to subsidize this slaughter. And yet that's what we do as a result of this Convention. Under the Fur Seal Act of 1966, which carries out the Convention's terms, the United States hires approximately 80 Aleuts for 5 weeks each year to do the killing. During the past 6 years, U.S. taxpayers have spent over $400,000 annually for the harvest.

Essentially, U.S. taxpayers subsidize the price of fur seal coats displayed primarily in European fashion salons. We ought not be subsidizing this business and, instead, should consider using this money to improve the economy of the Pribilof Islands and the employability of the Aleut peoples.

Each year, many Americans express outrage at the harp seal pup kill sanctioned by the Canadian government. Many Americans find the process offensive and the product unacceptable. Yet our own Government continues an arrangement which is even less defensible because it involves direct U.S. Government killing of seals and U.S. taxpayer subsidy of fur coat owners and the fur industry.

I urge the Committee to end this indefensible practice by opposing this Protocol. In the alternative, I urge the Committee to adopt a reservation which would reduce the number of seals killed by 70 percent, and still allow Canada and Japan to receive annually their respective quota of seal skins as provided by the Interim Convention.

Sincerely,

CARL LEVIN.

U.S. SENATE,
Washington, D.C., May 11, 1981.

DEAR COLLEAGUE. On May 8, 1981, Richard Fairbanks, Assistant Secretary of State for Congressional Relations, responded to a letter from Senator Percy requesting the Administration's views on a proposed reservation to the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals. I believe Mr. Fairbanks response is misleading and would like to share with you my comments on this matter. I hope the attached will be of assistance to you.

In addition, Secretary of State Haig has written to you affirming the Administration's support for the Protocol as negotiated and to urge rejection of the proposed reservation. However, this letter contains an inaccurate statement that I would like to correct.

The letter states that the reservation "directs the administration to renegotiate the Convention to allow the United States to reduce its harvest by approximately 70 percent." This is not true. The reservation *does not* direct the administration to renegotiate the Convention. The reservation merely states that it is the position of the United States we are not obligated to harvest our quota of fur seals. I believe this is consistent with the terms of the Convention, and is purely a domestic matter.

I hope this information will be helpful, and urge you to approve the reservation when it is considered by the Committee. With best wishes.

Sincerely,

CARL LEVIN.

Attachment.

Quote. The State Department opposes the reservation because of "the effect such a proposal may have on the Bering Sea ecosystem and the fur seal stocks." At a later point, State claims that a reduction of "70 percent of the St. Paul harvest as advocated by the proposed amendment would appear to be biologically unsound for the fur seal population . . ."

Response. In so many words, State is arguing that the annual killing of seals by man is better for the seal population than natural factors in the marine ecosystem regulating the fur seals existence. Currently, the estimated population of the St. Paul herd is 1.25 million, which is less than the "carrying capacity" of the ecosystem (carrying capacity is the number of animals that can be supported by a given

environment). The estimated carrying capacity for the St. Paul herd is 1.57 million. Room for growth exists while a reduction of the St. Paul harvest would not pose adverse risks for this herd.

In 1973, harvesting on St. George Island was terminated and adverse impacts to the seal population have not occurred. While there has been a decline in the number of seals on St. George, this decline has not been significant, and the population is not threatened with a decline to levels harmful to the herds survival. The response of the St. George herd is, in all probability, a natural adjustment to the many years of harvesting 2 to 6 year old males. However, the direct cause is unknown.

Quote. The State Department also argues that "A major reduction in the St. Paul Island harvest would have serious economic effects on the Native Aleut residents."

Response. A 70 percent reduction would reduce the number of Aleuts employed and their salaries, as well as the proceeds to the U.S. Treasury from the sale of sealskins. While receipts from sale of the skins does cover direct costs of the harvest, they do not cover the costs of the Pribilof Island program. Furthermore, income from the harvest represents a small percentage of total income to island residents. Income from the harvest in FY79 totalled $255,550, while total earned income to the islands was $3,028,866. A large amount of financial support will continue to be provided to the islands under the Fur Seal Act of 1966.

Under the reservation, Aleuts would still be hired to harvest approximately 7,000 to 8,000 seals annually, requiring about two weeks employment instead of the current five weeks.

Seal meat for subsistence needs would still be met. On March 20, 1981, Carmen Blondin and the attorney representing the Aleuts testified before the Foreign Relations Committee that 1,000 to 2,000 seals would meet subsistence needs. This would still leave approximately 6,000 to 7,000 seals for the marketing of seal meat and the by-products industry operated by the St. Paul village corporation.

Quote. In addition, the State Department contends that the "reservation is contrary to the intent of the Interim Convention . . . and may cause serious concern to the other Party Governments which expect the United States to harvest the number of seals agreed upon under the terms of the Convention. The reservation appears to be, in effect, a rejection of the Protocol we have proposed for ratification."

Response. There is no basis for State to claim that the reservation is a rejection of the Protocol and the Interim Convention. The reservation *does not* terminate United States involvement in the Convention. The reservation merely directs the United States to forego its annual quota of fur seals, while protecting the rights of Canada and Japan to receive their share of sealskins.

The Convention is a commercial arrangement allowing for a controlled land harvest in exchange for an agreement between the party governments to prohibit pelagic sealing. While the Convention *assumes* that the party governments would take their annual quota, because commercial sealing is an activity worthy of governments, *nowhere* in the text of the Convention is the United States required to harvest its quota of seals. Foregoing the U.S. quota should be a domestic issue.

Furthermore, the U.S. government maintained, both in the Final Position Paper prepared for the April 1981 annual meeting of the North Pacific Fur Seal Commission and in the September 1980 Final Environmental Impact Statement, that the United States preliminary view is that the U.S. may forego annually all or part of its share of the harvest under the terms of the present Convention. The party governments did not oppose this interpretation.

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